

LEXINGTON CITY COUNCIL AGENDA
Thursday, October 16, 2014, 8:00 p.m.
Rockbridge County Administration Building
150 S. Main Street

- 1. Call to Order**
- 2. Proclamation – Lexington Sunrise Rotary Club Anniversary**
- 3. Approval of Minutes**
 - A. October 2, 2014 City Council Regular Meeting *
- 4. Public Hearing - none**
- 5. Citizens' Remarks and Comments**
- 6. Unfinished Business**
- 7. Reports and Communications**
 - A. City Council Committees**
 1. Finance Committee
 2. Physical Services Committee
 3. Social and Economic Services Committee
 - B. Boards and Commissions**
 1. Planning Commission
 - a. Discussion of Courthouse Square Units 1, 3, 5
 - b. Executive Summary – Traffic Study W&L 3rd Year Housing *
 2. Central Shenandoah Planning District Commission
 3. Main Street Lexington
 4. Regional Tourism Board
 5. Threshold
 6. Rockbridge Area Recreation Organization (RARO)
 7. Rockbridge Area Community Services (RACS)

C. Mayor

1. Appointment to Social Services Board and Shenandoah Valley Workforce Investment Board *

D. Interim City Manager

1. Consideration of Peddler's Permit Waiver for Main Street Lexington *
2. Consideration of Resolution 2014-09 adopting National Incident Management System and Resolution 2014-10 adopting the Emergency Operations Plan *
3. Consideration of R E Lee Hotel Subordination of Deed of Trust *

E. City Attorney

8. New Business

9. Closed Session – Personnel *

10. Adjourn



Minutes
City Council Regular Meeting
October 2, 2014

The following are the Minutes for the October 2, 2014 Regular meeting of the Lexington City Council held at 8:00 PM in the Rockbridge Administration Building, 150 S. Main Street, Lexington, VA.

Presiding: M. Elrod, Mayor

Attendance Councilors:

M. Alexander

F. Friedman

C. Miller

G. Pryde

C. Smith

Staff:

G. Swink, Interim City Manager

L. Mann, City Attorney

B. Doyle, City Clerk

T. Harrington, Planning & Dev Director

CALL TO ORDER

Mayor Elrod brought the meeting to order at 8:00 PM and welcomed everyone, including students from Professors Richardson's and Luecke's classes.

APPROVAL OF MINUTES

Three sets of Minutes were approved as presented: September 18, 2014 Physical Services Committee, September 18, 2014 City Council Regular Minutes, and September 25, 2014 City Council Special Meeting Minutes.

CITIZENS' REMARKS AND COMMENTS

Youth Center – Two Lexington young adults, Richelle Alexander and Alex Shappell presented a community need to City Council for a safe place for young adults to socialize that does not expose them to the recreational drinking and drug use of college students. They expressed hope that Council could find something in the budget to help this goal. They mentioned that young people are congregating in the old K-Mart parking lot where college students also congregate. Mayor Elrod said that Council will hold a work session to explore potential options.

Complaint about VMI Cadets – Montrose Grandberry of the First Baptist Church, 103 N Main St. reported that VMI Cadets are frequently meeting behind the church, drinking, and throwing beer cans in the stream that runs between Main and Randolph. Dominion installed a street light, and members of First Baptist called Lexington Police. The behavior continues. Council will research through the Police.

REPORTS AND COMMUNICATIONS

Planning Commission – Planning and Development Director Terry Harrington reported that Rockbridge County's Planning Commission (RCPC) shared plans submitted by Washington and Lee University (W&L) for building a 350-bed housing complex and natatorium on the west end of their campus. Mr. Harrington focused on the traffic and parking impact within the City of Lexington. Council asked Interim City Manager Swink to task Mr. Harrington to create an Executive Summary of the Traffic Study contracted by W&L. His summary should focus on the impact on the Borden Road intersection with W.

Midland Trail and the city intersections of West Nelson and its cross-streets. Other concerns expressed by Council were water and sewer and retail stores planned for the common areas of the new housing units. Mr. Harrington will further research Council's concerns. He also noted that the RCPC will hold a public hearing on 10/8/14 at 7:00 PM and the RC Supervisors will consider the plan at their October 27th meeting.

Central Shenandoah Planning District Commission – Council Liaison Pryde reported that the U.S. Department of Agriculture granted \$94,000 to support the Fields of Gold Agritourism Project.

Main Street Lexington – Council Liaison Smith reminded Council of the Art on the Block event on Friday, October 3, 2014 from 5:00 – 7:30 PM.

Mayor's Report

Appointments to Boards and Commissions – Mayor Elrod requested a closed session at the end of the meeting for the purpose of personnel appointments.

City Manager's Report

Interim City Manager Swink reported that he had three items for discussion:

1. The Knight's of Pythias Building on VMI's land will be moved on Thursday, Oct. 9, beginning at 6:00 PM and is estimated to take four to five hours. The City articulated the following expectations to VMI:
 - a. No action that would impede traffic will occur prior to 6:00 PM on October 9th.
 - b. VMI will provide a traffic and signage plan to City Hall by 5:00 PM on Monday, Oct 6.
 - c. VMI will also provide a Safety Plan by 6PM on 10/6, incl. # of VMI police and construction personnel to be present at the time of the move.
 - d. VMI will communicate to the public through the Rockbridge Alert System

City Council expressed concern over the effect of street closure to downtown businesses since Thursday is the unofficial start to W&L's Parents' Weekend. Council asked that City Hall notify Main Street Lexington, the Visitor's Center, and Washington and Lee University about the Thursday night street closure. **Councilmember Friedman moved, with second by Councilmember Alexander, to authorize City staff to close Main Street from Diamond and Jefferson for the move of the Knights of Pythias building. Motion carried unanimously.**

2. Interim City Manager Swink asked for a closed session to discuss the remaining two issues, involving real estate matters and legal matters.

City Attorney's Report

1. Because of Councilmember Harvey-Halseth's absence, City Attorney Mann suggested that the discussion of the sign for the Skate Park be postponed until October 16th. Mr. Swink asked Council to consider liability and naming rights as they prepare for the discussion.
2. Attorney Mann requested a Closed Session for legal matters.

Motion for Closed Session

Councilmember Pryde moved with second by Councilmember Miller that Lexington City Council convene in Closed Session in accordance with Section 2.2-3711, Subsection A, of the Code of Virginia, as amended, in order to discuss matters identified as exempt pursuant to Section 2.2-3711, Subsection A, Paragraphs 1, 3, and 7. The subjects to be addressed shall be personnel issues, the acquisition or disposition of publicly held property, and consultation with legal counsel pertaining to actual or probable litigation, specific legal matters requiring legal advice, or consultation regarding negotiations. Motion carried unanimously.

M. Alexander	AYE	C. Miller	AYE
F. Friedman	AYE	M. Harvey-Halseth	ABSENT
G. Pryde	AYE	C. Smith	AYE

The closed session ended at 9:33 PM, and Council introduced the following resolution.

RESOLUTION

WHEREAS, the Lexington City Council has convened a closed meeting on this date pursuant to an affirmative vote in accordance with the provision of the Virginia Freedom of Information Act, specifically Section 2.2-3711, Subsection A, Paragraphs 1, 3, and 7. The subjects to be addressed shall be personnel issues, the acquisition or disposition of publicly held property, and consultation with legal counsel pertaining to actual or probable litigation, specific legal matters requiring legal advice, or consultation regarding negotiations.

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this City Council that such meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lexington, Virginia, that the Council hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Lexington City Council. The roll call vote was unanimous.

M. Alexander	AYE	C. Miller	AYE
F. Friedman	AYE	G. Pryde	AYE
M. Harvey-Halseth	ABSENT	C. Smith	AYE

ADJOURNMENT

Mayor Elrod adjourned the meeting at 9:34 PM.

Mimi M. Elrod, Mayor

Brenda L. Doyle, Clerk



Planning and Development Department

Memo

TO: Gary Swink
Interim City Manager

FROM: Terrance L. Harrington, AICP *TH*
Director of Planning and Development

DATE: October 8, 2014

RE: Review of Traffic Study prepared For W & L; Traffic Impact Analysis of Proposed Third-Year Housing

Per Council's request, and your direction, I have reviewed the Traffic Impact Analysis Commissioned by W & L. The analysis was prepared by Ramey Kemp and Associates (RKA), a transportation engineering firm located in Richmond Virginia. I received this report from University Architect/Planner Tom Contos on October 2nd.

The scope of the study is limited to an analysis of the West Denny/Route 60 intersection. Specifically, RKA was asked by W & L to estimate the trip generation potential of housing for 350 students, and determine if any roadway/intersection improvements are warranted at the West Denny/Route 60 intersection.

The study parameters/assumptions were as follows:

- Maximum of 350 students generating 1160 vehicle trips per day (YTPD) (580 exiting/ 580 entering)
- AM Peak Hour Volumes (20 entering/82 exiting) PM Peak Hour Volumes (91 entering/49 exiting)
- Trip Distribution: 95% to/from the East on Nelson (to/from Downtown)
5% to/from the West on Nelson (to/from Rockbridge Co.)
- Assumptions pertaining to VTPD and peak hour volumes were derived using the Institute of Transportation Engineers (ITE) Trip Generation Manual. This is an accepted source for projecting trip generation. Data within the manual is derived from actual trip generation counts of different land uses in a variety of locations (i.e., rural/suburban/urban land uses.)

- Existing traffic volume and turning movement counts were monitored and recorded during a 12-hour period (7:00am to 7:00pm) on Monday, September 22, 2014. This date was chosen because it was a weekday, and was after Fall semester had begun for W&L Undergraduates, W&L Law School, and VMI.
- Using the ITE estimates and the September 22nd traffic count, three impact scenarios were prepared for this intersection. These scenarios were: (1) Existing (2014) Conditions, (2) No-Build (2016) Scenario, and (3) Build (2016) Scenario.
 - 1) Existing (2014) Conditions
Presently this intersection operates at a Level of Service (LOS) “A” or “B” during AM and PM peak hours. This LOS indicates a high functioning intersection that lacks capacity or queuing problems.
 - 2) No-Build (2016) Scenario
This scenario assumes the student housing will not be built, but other factors would increase traffic at this intersection by 1% per year between 2014 and 2016. Under this scenario, this intersection continues to operate at a Level of Service (LOS) “A” or “B” during AM and PM peak hours.
 - 3) Build (2016) Scenario
This scenario assumes the student housing will be built. Under this scenario the overall LOS for this intersection remains "A" or "B" during peak hours, however AM and PM peak hour queuing may increase slightly (by one vehicle or less).
- Conclusion
Based upon the analysis undertaken for this study, the increased volumes do not support any of the warrants necessary to justify signalization of this intersection.

Conclusion

The study methodology was well defined and professionally carried out. However, it is my opinion that the scope of the traffic study should have been expanded to include sight distance analysis at West Denny Cir and Route 60. In addition, the analysis should not have been limited to this single intersection. The intersections of Route 60 with East Denny Cir, Washington Street, Glasgow Stand Lee Street should have been included in the analysis so that the capacity and queuing impacts of the new housing on these intersections could be evaluated and understood.

October 8, 2014

Appointments to Boards and Commissions (update)**BOARD**

(length of term)

Incumbent, if any (1st year of service)

Seeking re-appointment?

Expiration of Current Term

Current Vacancies***SOCIAL SERVICES BOARD**

(4-year term)

Vacancy (formerly Varney Badgett)

no

8/31/2018

***SHENANDOAH VALLEY WORKFORCE INVESTMENT BOARD**

Vacancy (formerly Melissa Scholl)

no

(4-year term)

6/30/2017

* Advertised in The News-Gazette July 30 and August 6, 2014.

**Public Notice
City of Lexington
Boards and Commissions**

The Lexington City Council welcomes citizen input in governing the affairs of the City. Your direct involvement is possible through volunteer opportunities on Boards, Commissions, and Authorities (see City Website for descriptions.) The following openings are to be filled: Social Services Board (1) and Shenandoah Valley Workforce Investment Board (1).

New applicants should complete the "Board or Commission Membership Application" found on the FORMS page of the Website. Please send your application to the City Manager's Office, 300 East Washington St, Lexington, fax 463-5310, or email adminasst@lexingtonva.gov. The deadline for new applications is 5:00 PM on October 16, 2014.

Applicants and interested incumbents are encouraged to attend the City Council's 8:00 PM meeting on 10/16/14 at the Rockbridge Administration Building, 150 S. Main Street, and be prepared to speak during the Public Hearing. City Council anticipates filling all vacancies at the October 16, 2014 meeting. Any questions, call 462-3700.

October 6, 2014

Please publish in PUBLIC NOTICES in the October 8 and October 15 editions of THE NEWS-GAZETTE. Any questions, please call Brenda Doyle at 462-3700.



Office of the City Manager

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Gary Swink, Interim City Manager
DATE: OCTOBER 6, 2014
RE: Peddler's License Waiver for Main Street Lexington

When Main Street Lexington was organized, they requested a waiver from the City's requirement for a Peddler's Permit. On September 19, 2013, City Council approved waiving the Peddler's Permit for Main Street Lexington for a period of 365 days (see attached). Without further action by Council, the Commissioner of Revenue will need to require the group to obtain a Peddler's Permit in order to carry out fundraising activities involving sales of various products.

I plan to place this issue on the agenda for your October 16th meeting in order to determine your desire relative to a continued waiver.

Brenda Doyle

From: stephwilk@gmail.com on behalf of Stephanie Wilkinson [swilkinson@mainstreetlexington.org]
Sent: Thursday, October 09, 2014 11:03 AM
To: Brenda Doyle
Subject: Fwd: Hi there. I'm attaching an application for you.
Attachments: 2014-1016 MSL Peddler License Waiver Request.pdf

Dear Brenda,

Please find attached the application for waiver of the Peddler's License fee for MAIN STREET LEXINGTON for the coming year.

We would be grateful for Interim City Manager Swink to present this request to the City Council at their next meeting.

all best,

Stephanie

Stephanie Wilkinson
Executive Director
MAIN STREET LEXINGTON
PO Box 295
101 S. Main St., 2nd Floor
Lexington, VA 24450
540.319.1076 (c)

CITY OF LEXINGTON

P.O. Box 922

300 East Washington Street

Lexington, Virginia 24450

[540] 462-3700; fax [540] 463-5310

**REQUEST FOR
WAIVER OF PEDDLER'S LICENSE**

Date of request: Ocotber 8, 2014

Name & Address of Organization: Main Street Lexington
101 S. Main St., 2nd Fl, P O Box 295, Lexington, VA 24450-0295

Contact Person: Stephanie Wilkinson **Phone:** 319-1076

Purpose of Organization: MAIN STREET LEXINGTON, based in Lexington VA,
is a volunteer-based organization established in 2013 to preserve, sustain, enhance
and promote beautiful Downtown Lexington, Virginia.

Date of Event: Ongoing throughout the year

Is this an annual event? Yes

Benefit of event to the community: The Main Street Lexington fundraisers directly
impact the success of the organization's purpose to preserve, sustain, and enhance
the Lexington community.

How will the proceeds of the event be used:
Continue traditional and develop new initiatives that enhance the Lexington community

Council action taken on (date) approved disapproved

Clerk of Council



Office of the City Manager

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Gary Swink, Interim City Manager
DATE: October 6, 2014
SUBJECT: Update Emergency Operations Plan

The County of Rockbridge and the Cities of Lexington and Buena Vista have combined their efforts in planning and responding to emergencies and disasters through adoption of a combined Emergency Operations Plan. The current plan was adopted in 2010. The Commonwealth of Virginia requires that the plan be updated every four years; therefore, the updated plan must be approved by each of the localities during October.

A summary prepared by Trent Roberts of the changes in the updated plan is attached. For those wishing to review the full plan, which is quite voluminous, it has been uploaded to the Website, accessed by a link on the City Manager page. The link is <http://lexingtonva.gov/DocumentCenter/View/582>.

Two actions are required by Council. First, a Declaration of Adoption: National Incident Management System (Resolution 2014-09) needs to be adopted. Secondly, Resolution 2014-10 adopting the Emergency Operations Plan needs to be approved. Copies of both are attached.

Memo

To: Gary Swink, Interim City Manager
From: T. B. Roberts, Emergency Management
CC: T. J. Dickerson, Fire Chief
Date: 10/8/2014
Re: Adoption of the 2014 Emergency Operations Plan

In 2010, the three jurisdictions, the City of Buena Vista, the City of Lexington and the County of Rockbridge created a joint, regional Emergency Operations Plan (EOP).

The 2010 document expires this month. Commonwealth statute requires all localities to maintain an EOP. EOP documents require adoption every four years.

I wish to take this opportunity to thank Mr. Robert Foresman of Rockbridge County for spearheading this and previous EOP projects. As I wear multiple hats, my time is quite limited. My input to this document was relegated to minor suggestions and email communications with Mr. Foresman.

There are no major amendments to the 2014 EOP from the version, 2010. I recommend adoption by the City of the 2014 EOP.

Declaration of Adoption
National Incident Management System (NIMS)

BE IT RESOLVED by the City of Lexington Department of Emergency Management as follows:

WHEREAS, at the request of the President, the Department of Homeland Security has developed the National Incident Management System (NIMS) for the purpose of unifying and coordinating all emergency responders' efforts during disasters; and

WHEREAS, the Department of Homeland Security has directed all Federal, State, Territorial, Tribal, and local entities involved in emergency response to adopt NIMS; and

WHEREAS, the Governor of the Commonwealth of Virginia has similarly endorsed NIMS by proclaiming it the official basis for management of incident response in Virginia; and

WHEREAS, the NIMS will enable responders at all levels to work together more effectively and efficiently to manage domestic incidents no matter what the cause, size or complexity, including catastrophic acts of terrorism and natural disaster; and

WHEREAS, the City of Lexington Department of Emergency Management currently uses the Incident Command System (ICS as referred to in NIMS; and

WHEREAS, the City of Lexington Department of Emergency Management recognizes the need for a single Incident Management System to be used by all local agencies and disciplines;

BE IT THEREFORE RESOLVED, that the City of Lexington Department of Emergency Management adopts the National Incident Management System. That this system will be used at all incidents and drills, taught in all training courses, and reflected in all emergency mitigation, preparedness, response and recovery plans and programs.

Adopted by the City of Lexington City Council and effective on the date of adoption

Adopted this 16th Day of October, 2014

Mimi M. Elrod, Mayor, City of Lexington, Virginia

ATTEST:

Brenda L. Doyle, City Clerk, Lexington, Virginia

Resolution Adopting the Regional Emergency Operations Plan

WHEREAS, the City Council of the City of Lexington, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, the City of Lexington has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, the City of Lexington has established and appointed a Director and Coordinator of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lexington, Virginia, this Emergency Operations Plan as revised is officially adopted ; and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, are tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time be ordered to come before this Council.

Adopted this 16th Day of October, 2014

Mimi M. Elrod, Mayor, City of Lexington, Virginia

ATTEST:

Brenda L. Doyle, City Clerk, Lexington, Virginia



Office of the City Manager

MEMORANDUM

TO: Honorable Mayor & City Council Members
FROM: Gary Swink, Interim City Manager
DATE: October 10, 2014
SUBJECT: R. E. Lee Hotel – Subordination of Deed of Trust

As part of the R. E. Lee Hotel renovation project, the City made two loans to the developers through the IDA with supporting Deeds of Trust. The \$150,000 was forgivable based upon certain condition being met. On September 22, 2014, Jon Ellestad notified Ugo Benincasa that all conditions of the agreement had been met and that the loan was forgiven. A certificate of satisfaction will need to be signed by the City and the Deed of Trust released.

A second IDA loan in the amount of \$83,300 was made to cover the purchase of the parking lot. Repayment was to be made over a 76-month period, with a balloon payment of \$70,000 (or unpaid balance) in December 2017. Repayment of the loan is ahead of schedule, and the outstanding balance is \$67,000.

The debt for the project is being refinanced. As a part of the refinancing, the City will need to agree once again to subordinate our Deed of Trust. We have agreed to do this previously for Robert E. Lee Properties, LLC. City Attorney Mann will be prepared to discuss the action required by Council.

Motion for Closed Session

I move that Lexington City Council convene in Closed Session in accordance with Section 2.2-3711, Subsection A, of the Code of Virginia, as amended, in order to discuss matters identified as exempt pursuant to Section 2.2-3711, Subsection A, Paragraphs 1. The subject to be addressed shall be personnel issues.

Motion made by: _____

Seconded by: _____

Date: _____

RESOLUTION

WHEREAS, the Lexington City Council has convened a closed meeting on this date pursuant to an affirmative vote in accordance with the provision of the Virginia Freedom of Information Act, specifically Section 2.2-3711, Subsection A, Paragraphs 1. The subject to be addressed shall be personnel issues.

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this City Council that such meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lexington, Virginia, that the Council hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Lexington City Council.

ROLL CALL VOTE:

M. Alexander	_____	AYE	_____	NAY
F. Friedman	_____	AYE	_____	NAY
M. Harvey-Halseth	_____	AYE	_____	NAY
C. Miller	_____	AYE	_____	NAY
G. Pryde	_____	AYE	_____	NAY
C. Smith	_____	AYE	_____	NAY

ABSENT DURING VOTE: _____

ABSENT DURING MEETING: _____

Date Resolved: _____

Time Adjourned: _____

Clerk

Mayor